

## COD-LIVER AND SARDINE OILS

**2645. Adulteration and misbranding of fortified cod-liver oil. U. S. v. Seaboard Supply Co., Inc. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 2890. Sample Nos. 1236-E, 14209-E, 78465-D.)**

This product was found to be deficient in both vitamin D and vitamin A.

On January 8, 1941, the United States attorney for the Eastern District of Pennsylvania filed an information against Seaboard Supply Co., Inc., Philadelphia, Pa., alleging shipment within the period from on or about January 2 to on or about March 28, 1940, from the State of Pennsylvania into the States of West Virginia and Delaware of quantities of fortified cod-liver oil that was adulterated and misbranded. It was labeled in part: "50 Lbs. Net Sea-Clo-400-D Highly Fortified Cod Liver Oil In Dry Base."

The article was alleged to be adulterated in that valuable constituents thereof, i. e., vitamins D and A, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statements "Sea-Clo-400-D \* \* \* In place of each 4¾ lbs. straight 85-D Oil use 1 lb. Sea-Clo-400-D. In place of each 1 lb. Fortified 400-D use 1 lb. Sea-Clo-400-D. For each 5 pints 85-D Oil used, replace with 1 lb. Sea-Clo-400-D," and "Guaranteed to contain 400 A. O. A. C. units of Vitamin D. per gram. When this product is packed it contains more than 1000 units of Vitamin 'A' per gram, but due to a difference of opinion of our many authorities regarding the stability of Vitamin 'A' from Cod Liver Oil when added to feeds, we are making no claim for it," appearing in the labeling, were false and misleading since it contained less than 400 units of vitamin D per gram and it contained much less than 1,000 units of vitamin A per gram, and 1 pound of said food would not be equivalent in feeding value or as a source of vitamin D and vitamin A to 4¾ pounds of straight 85-D cod-liver oil, 1 pound of fortified 400-D cod-liver oil, or 5 pints of 85-D cod-liver oil.

The article was also charged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 481.

On March 24, 1941, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$150.

**2646. Misbranding of cod-liver oil. U. S. v. 5 30-Gallon Drums of Cod-Liver Oil. Default decree of condemnation. Product ordered sold by the United States marshal. (F. D. C. No. 3582. Sample No. 50143-E.)**

One drum of this product was represented on the label to contain 225 U. S. P. units of vitamin D per gram, but contained a smaller amount. The remaining 4 drums were unlabeled.

On December 23, 1940, the United States attorney for the District of Maryland filed a libel against 5 30-gallon drums of cod-liver oil at Baltimore, Md., alleging that the article had been shipped by Consumer Import Co., Inc., from Jersey City, N. J., on or about November 7, 1940; and charging that it was misbranded. It was labeled in part: (1 drum only) "Non Freezing \* \* \* U S P Vita C L O Cod Liver Oil \* \* \* 225D Units Per Gram."

The article was alleged to be misbranded in that the statements "Non Freezing" and "225D" were false when applied to non-destearinated cod-liver oil containing less than 225 U. S. P. units of vitamin D per gram. The portion of the article contained in the four unlabeled drums was alleged to be misbranded further (1) in that it was in package form and its label did not contain an accurate statement of the quantity of the contents; and (2) in that it was in package form and its label did not contain the name and place of business of the manufacturer, packer, or distributor.

On March 21, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be labeled and sold in compliance with the law and that the proceeds be deposited in the United States Treasury.

**2647. Adulteration and misbranding of cod-liver-oil concentrate. U. S. v. 1¼ 420-Pound Drums of Five X Concentrate. Default decree of condemnation and destruction. (F. D. C. No. 3478. Sample No. 34377-E.)**

This product contained less than 300 A. O. A. C. units of vitamin D per gram; whereas its label represented that it contained not less than 425 A. O. A. C. units of vitamin D per gram.

On December 4, 1940, the United States attorney for the District of New Jersey filed a libel against 1¼ 420-pound drums of cod-liver-oil concentrate at Plainfield, N. J., alleging that the article had been shipped in interstate com-

merce on or about September 9, 1940, by the Whitmoyer Laboratories, Inc., from Myerstown, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "Whitmoyer Quality Five X Concentrate."

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been, in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the label, "Five X Concentrate is guaranteed to contain not less than 425 A. O. A. C. units vitamin D per gram," was false and misleading since it was incorrect.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 480.

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2648. Adulteration and misbranding of sardine oil. U. S. v. Industrial Oil Products Corporation. Plea of nolo contendere. Fine, \$100 on count I. Imposition of sentence suspended on remaining counts. (F. D. C. No. 4155. Sample Nos. 24505-E, 40103-E.)**

This product contained less vitamin D than the amount declared on its label.

On August 7, 1941, the United States attorney for the Southern District of California filed an information against the Industrial Oil Products Corporation, trading at Los Angeles, Calif., alleging shipment on or about September 4 and October 24, 1940, from the State of California into the State of New Jersey of quantities of sardine oil which was adulterated and misbranded. The article was labeled in part: "Fox Special Sardine Oil Guaranteed \* \* \* The Fox Company, Newfield, New Jersey."

It was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statement "Guaranteed 85 AOAC Chick Units Vitamin D per gram," borne on its container, was false and misleading in that it represented that the article contained 85 A. O. A. C. chick units of vitamin D per gram; whereas it contained less than so represented, one lot containing not more than 60 and the other containing not more than 65 A. O. A. C. chick units of vitamin D per gram.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 482.

On August 28, 1941, a plea of nolo contendere having been entered, the court sentenced the defendant to pay a fine of \$100 on count I and suspended imposition of sentence on the remaining seven counts.

## DAIRY PRODUCTS

### BUTTER

Nos. 2649 to 2663 report the seizure and disposition of butter that was found to contain mold.

**2649. Adulteration of butter. U. S. v. 37 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 5868. Sample No. 54235-E.)**

This product, in addition to containing mold, was also deficient in milk fat.

On September 6, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 37 cartons, each containing 32 pounds, of butter at Philadelphia, Pa., alleging that the article had been shipped on or about August 28, 1941, by Chesapeake Creameries, Inc., from Baltimore, Md.; and charging that it was adulterated. It was labeled in part: (Print wrapper) "One Pound Net Weight Chesapeake Creamery Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. It was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2650. Adulteration of butter. U. S. v. 10 Cartons, 1 Carton, and 2 Portions of Cartons of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 5850, 5851. Sample Nos. 50584-E, 50585-E.)**

On September 24, 1941, the United States attorney for the District of Columbia filed libels against 11 cartons each containing 32 pounds, a portion of a carton containing 20 pounds, and a portion of a carton containing 28 pounds, of butter at Washington, D. C., alleging that the article had been shipped on September